

Remarks/Arguments

This is filed in response to an office action mailed on June 22, 2009. A three-month of time for replying to the office action is requested.

Without conceding the correctness of any of the Examiner's rejections, applicant has amended certain of the present claims in order to facilitate prosecution of the above-identified application and to obtain an early allowance.

Claims 1, 2, 3, 5, 6, 9, 11, 15, 16, 19 and 24 have been amended. Claims 4, 7, 18 and 25-35 have been cancelled without prejudice.

Applicant expressly reserves the right to seek patent protection for the original claims and all other claims supported by the above-identified application, for example, in one or more later-filed related applications.

Claim 1 has been amended to more clearly recite a slit valve for a medical implant for accepting an inflation tube. The valve comprises a unitary valve body having a proximal end and a distal end, a flange at the proximal end and having a flange opening, and a first chamber defined in said valve body and in open fluid communication with the flange opening. The first chamber is capable of accepting an inflation tube when inserted through the flange opening. The valve further comprises a second chamber having a concave section, the second chamber located between said first chamber and said distal end of the valve body. A normally closed slit is formed in the valve body and connects the concave section of the second

chamber and the distal end of the valve body. The valve body is structured to receive an inflation tube through the flange opening whereby fluid introduced from the inflation tube into the second chamber causes the slit to open and pass distally through the distal end of the valve body.

Independent claim 11 now defines an implantable, inflatable apparatus comprising an inflatable portion and a slit valve, substantially as defined in amended claim 1.

The Examiner has rejected claims 1-23 and 34-35 under 35 U.S.C. 102(b) as being anticipated by Akui et al (hereinafter, Akui). Applicant traverses this rejection as it pertains to the claims as amended.

Akui does not anticipate the presently claimed invention. For example, Akui does not disclose a slit valve for a medical implant for accepting an inflation tube as now claimed, wherein the slit valve comprises a unitary valve body having a proximal end and a distal end, a flange having a flange opening, a first chamber defined in said valve body capable of accepting an inflation tube when inserted through the flange opening. Moreover, Akui does not disclose a second chamber having a concave section and located between said first chamber and the distal end of the valve body, and a normally closed slit connecting the concave section and the distal end of the valve body whereby fluid introduced from the inflation tube into the second chamber causes the slit to open and pass distally through the distal end of the valve body.

Akui describes an endoscope forceps stopcock including a body and cap detachably fitted together and a valve section

formed in the body between the engagement sections. Akui does not even mention a unitary valve body having a first chamber capable of accepting an inflation tube, a second chamber having a concave portion and a normally closed slit located between the concave portion of the second chamber and a distal end of the valve body, whereby fluid introduced from the inflation tube into the second chamber causes the slit to open, as recited in the present claims. For at least these reasons, applicant submits that the presently claimed invention is not anticipated by Akui under 35 U.S.C. 102(b).

Claims 1-35 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gau et al (hereinafter, Gau) in view of Akui. Applicant traverses this rejection as it pertains to the claims as amended.

Gau, even when considered in combination with Akui, does not disclose, teach or suggest the presently claimed invention. For example, neither Gau nor Akui, alone or in combination, discloses a valve comprising a unitary valve body having a first chamber capable of accepting an inflation tube, a second chamber and a normally closed slit, whereby fluid introduced from the inflation tube into the second chamber causes the slit to open, as recited in the present claims.

Gau teaches an intragastric balloon having a self sealing valve. The valve of Gau does not include a valve body having a first and second chamber having a concave portion and a slit located between the concave portion of the second chamber and a distal end of the valve body. The teaches of Akui, described above, do not supply these deficiencies of Gau. For at least these reasons, applicant submits that the presently claimed

invention is not anticipated by Gau in view of Akui under 35 U.S.C. 103(a).

In view of the above, applicant has shown that all of the present claims are not anticipated by and are unobvious from and patentable over the prior art under 35 U.S.C. 102 and 103.

Applicant submits that the each of the Examiner's rejections has been addressed, and that the application is now in condition for allowance. Therefore, applicant respectfully requests the Examiner to pass the above-identified application to issuance.

Should any matters remain unresolved, the Examiner is requested to telephone the applicant's attorney at the number given below.

Dated: December 22, 2009 Respectfully submitted,

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